

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

-----	:	
UNITED STATES OF AMERICA	:	
	:	CASE NO. 5:05 CR 131
Plaintiff	:	
	:	
-VS-	:	
	:	
SETH AMODIO	:	<u>ORDER ACCEPTING PLEA AGREEMENT</u>
	:	<u>AND JUDGMENT AND NOTICE OF</u>
Defendant	:	<u>HEARING</u>
-----	:	

UNITED STATES DISTRICT JUDGE LESLEY WELLS

This case is before the Court on a Report and Recommendation filed by United States Magistrate Judge James S. Gallas regarding the change of plea hearing and plea agreement of Seth Amodio which was referred to the Magistrate Judge with the consent of the parties.

On 16 March 2005, the government filed a two-count indictment against Seth Amodio for conspiracy to possess with the intent to distribute and distribution of a controlled substance in violation of 21 U.S.C. § 846, 21 U.S.C. § 841(a)(1), 21 U.S.C. § 841(b)(1)(C) and 18 U.S.C. § 2. On 14 April 2005, a hearing was held in which Seth Amodio entered a plea of not guilty before Magistrate Judge James S. Gallas. On 27 June 2006, Magistrate Gallas received Seth Amodio's plea of guilty and issued a Report and Recommendation ("R&R") concerning whether the plea should be accepted and a finding of guilty entered.

Neither party submitted objections to the Magistrate Judge's R&R in the ten days after it was issued.

On de novo review of the record, the Magistrate Judge's R&R is adopted. Seth Amodio is found to be competent to enter a plea. He understands his constitutional rights. He is aware of the charges and of the consequences of entering a plea. There is an adequate factual basis for the plea. The Court finds the plea was entered knowingly, intelligently, and voluntarily. The plea agreement is approved.

Therefore, Seth Amodio is adjudged guilty of Counts One and Eleven in violation of 21 U.S.C. § 846, 21 U.S.C. § 841(a)(1), 21 U.S.C. § 841(b)(1)(C) and 18 U.S.C. § 2.

Sentencing will be:

**12 October 2006 at 2:00 p.m.**

**Courtroom 18-A  
18th Floor the United States District Court  
801 West Superior Avenue  
Cleveland, Ohio 44113**

IT IS SO ORDERED.

/s/Lesley Wells  
UNITED STATES DISTRICT JUDGE

Dated: 8 August 2006